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ELLIS W. LEAVENWORTH (1930-1959)

September 13, 1965

MURRAY HILL 3-4220

CABLE ADDRESS "WATSOLAW"

Mrs. Thelma C. Heatwole
Patent Liaison Officer
Philip Morris Incorporated
Research Center P. O. 3D
Richmond, Virginia

Re: PM 417 - Our file 582-440

Dear Thelma:

Attached hereto is a copy of the most recent Office Action relating to the above-identified application. The Examiner has set a shortened statutory period for response to the Action, which is a Final Action, and the due date for said response is October 23, 1965.

As you can see, the major reference relied upon by the Examiner is our own patent relating to the same materials employed in the tobacco.

It should be noted that the Examiner has objected to the Carpenter Affidavit on the grounds that the nicotine content of the tobacco employed has not been set forth and that the high concentration of nicotine employed in the tobacco appears to

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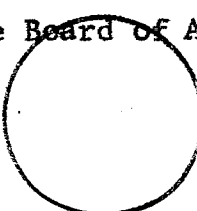
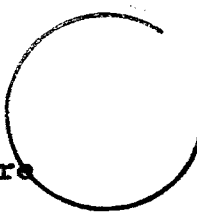
Mrs. Thelma C. Heatwole -2-

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suggest an unfair comparison. Do you, the inventors, or the others concerned have any suggestions as to how a better comparison might be made?

I plan to discuss this application with the Examiner on Thursday of this week to determine whether or not there is any basis on which he will allow this application. In the event that we are unable to change the Examiner's mind with regard to his rejection of this application, do you wish us to appeal his rejection to the Board of Appeals?

Sincerely,



HKK:mm
Enclosure

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